In 1927, a Supreme Court ruling by Oliver Wendell Holmes Jr. in a case involving a prisoner whose death sentence was commuted to life in prison noted that “a pardon in our days is not a private act of grace from an individual happening to possess power.”

“When granted it is the determination of the ultimate authority that the public welfare will be better served by inflicting less than what the judgment fixed,” he continued. “Just as the original punishment would be imposed without regard to the prisoner’s consent, and in the teeth of his will, whether he liked it or not, the public welfare, not his consent, determines what shall be done.”